IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH JAIPUR

Order

S.B. CIVIL WRIT PETITION NO.1794/1994
KISHAN LAL SWAMI V. THE STATE OF RAJ. & OTHERS

DATE OF ORDER :::::: OCTOBER 16, 2006

PRESENT

HON'BLE MR. JUSTICE PREM SHANKER ASOPA

Mr. Praveen Kumar Sharma, for the petitioner
Mr. Harshwardhan Nandwana, Addl. GA

By this writ petition, the petitioner who, at the relevant time, was working as Gram Sevak, Panchayat Samiti, Govindgarh, Distt. Jaipur has challenged the notice dated 24.2.1994 (Anx.7) issued for recovery of Rs.56,885/-.

Facts of the case, in brief, are that during tenure of the petitioner as Gram Sevak, Panchayat Samiti, Govindgarh, Distt. Jaipur, construction work of Rs.1,35,000/- was sanctioned and in the said work, certain irregularities are alleged to have been committed by the petitioner, upon which the notice for recovery of the aforesaid amount was given.

Submission of the learned counsel for the

petitioner is that the said notice has been issued without application of mind and the same is vague. He further submits that the petitioner alone could not be held liable and the entire Committee which was constituted for supervising the said construction work is responsible.

Submission of the learned Addl. GA is that the notice is based on the record available with them and the Assistant Engineer on inspection of the said work found the same to be below standard and on that count, notice aforesaid for the recovery was issued.

I have considered the rival submissions of the parties. In my view, when a Committee is constituted, then not only the petitioner but explanation from other members of the Committee is also required to be taken. But no such explanation has been taken and there is no justification for fastening the liability straightaway upon the petitioner.

In the above mentioned facts and circumstances of the case, I allow the writ petition in part, quash the notice dated 24.2.1994 (Anx.7) and direct the respondents to conduct enquiry after associating all the persons concerned, to complete the enquiry within a period of three months and then to pass appropriate

orders afresh.

(PREM SHANKER ASOPA),J.

GOPAL